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October 2, 2009

Hon. Paul A. Crotty  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Athanasius Onyemaobi et al. v. Covenant House  
Case No: 09-CV-2434 (PAC)

Dear Judge Crotty:

The plaintiffs respectfully move the Court to schedule a status conference in the above referenced case prior to the scheduled conference of November 18th in light of the defendant's rejection of the plaintiffs' attempts to depose witnesses controlled by the defendant.

On or about September 2, 2009, the plaintiffs served the defendants with notices of depositions commencing on the 1st, 5th and the 7th of October 2009. There were no objections or notices of unavailability of any deponent or scheduling conflicts addressed to the undersigned. The defendant, however, simply did not show up for the October 1st deposition and by letter dated October 1st, the defendant has stated that there will no depositions until there is a complete exchange of documents and a revised Case Management Plan submitted for the Court's approval and a designation of a Rule 30 (b) (6) (1) Notice or Subpoena Directed to an Organization.

The plaintiffs have reviewed the transcript of the September 24th conference (see attached excerpt) and it is our understanding that discovery will continue until the end of November and should the parties need additional time to complete discovery a revised scheduled outlining what needs to be completed will be jointly submitted to the Court. The defendant, however, has moved to further delay discovery by unilaterally suspending the scheduled depositions and by letter seem suggest that it is the plaintiffs who are causing such delays.

Accordingly, the plaintiffs respectfully move for a telephone or in person conference at the Court earliest convenience regarding the continuation of discovery.

Respectfully submitted,

Locksley O. Wade  
Attorney for the Plaintiffs

<sup>1</sup> *Notice or Subpoena Directed to an Organization.* In its notice or subpoena, a party may name as the deponent a public or private corporation, a partnership, an association, a governmental agency, or other entity and must describe with reasonable particularity the matters for examination. The named organization must then designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf; and it may set out the matters on which each person designated will testify.

**MEMO ENDORSED**

**MEMO ENDORSED**

c.c. John T.A. Rosenthal, Esq.  
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White Plains, NY 10601  
Via Fax (914) 686-4824

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1 over by October 15th which is three weeks away. How much of an  
2 extension do you want?

3 MR. ROSENTHAL: I'd request an additional thirty days  
4 beyond that, Your Honor, and I think we can wrap things up.  
5 That would allow us to --

6 THE COURT: I'll give you until the end of November.

7 MR. ROSENTHAL: Okay.

8 THE COURT: So you and Mr. Wade should meet and confer  
9 and submit a revised civil case management plan which has  
10 whatever discovery you need in light of today's rulings and  
11 subsequent production, depositions you're going to take and get  
12 that done by the end of November.

13 We'll schedule another conference for early in  
14 November. Make that the week of November 16th or so. Mid-  
15 November, November 16.

16 THE CLERK: Wednesday, November 18th, Your Honor?

17 THE COURT: Yes, November 18th.

18 THE CLERK: At three p.m.

19 THE COURT: We'll see where we are at that time.  
20 That will be close to the end of discovery and then we'll set  
21 down if there's going to be motions for summary judgment we'll  
22 set a schedule for that. If that doesn't work we'll put a  
23 trial date behind all these things. If you have problems in  
24 the interim call and we'll set something up.

25 MR. ROSENTHAL: Thank you, Your Honor.